

Message Text

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43

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APPROVED BY EB/CSB/BP:HARVEY J. WINTER
L/EB:TTALLERICO
EUR/CAN:DKRUSE
EUR/RPE:RBRESSLER
JUSTICE:DROSENTHAL

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P R 151747Z JAN 76
FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA PRIORITY
INFO USMISSION OECD PARIS
AMCONSUL TORONTO

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E.O. 11652: N/A

TAGS: ETRD, CA

SUBJECT:ANTITRUST: INTERNATIONAL NICKEL COMPANY (INCO)/ESB,
INC.

1. DEPARTMENT OF JUSTICE HAS INFORMED DEPARTMENT OF ITS
INTENTION TO FILE A CIVIL ANTITRUST SUIT AGAINST INTERNA-
TIONAL NICKEL COMPANY OF CANADA, LIMITED (INCO) AND ITS US
SUBSIDIARY, THE INTERNATIONAL NICKEL COMPANY, INC. (INCO,
INC.). CHARGE WILL BE A VIOLATION OF SECTION 7 OF THE
CLAYTON ACT THROUGH ACQUISITION BY INCO OF ESB, INC., A US
INDUSTRIAL BATTERY MANUFACTURER.

2. INCO IS THE LARGEST WORLD PRODUCER OF NICKEL AND SUP-
PLIES MORE THAN 60 PERCENT OF US DEMAND. IT IS ALSO THE
PRINCIPAL SUPPLIER OF NICKEL TO DOMESTIC INDUSTRIAL BATTERY
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INDUSTRY. ESB IS THE SECOND LARGEST US MANUFACTURER AND

SUPPLIER OF INDUSTRIAL BATTERIES, FURNISHING ABOUT 27 PERCENT OF THE MARKET, IN A HIGHLY CONCENTRATED INDUSTRY.

3. ACTION: PURSUANT TO 1967 OECD RECOMMENDATION, EMBASSY IS REQUESTED TO NOTIFY OFFICIALLY BUREAU OF COMPETITION POLICY IN DEPARTMENT OF CONSUMER AND CORPORATE AFFAIRS OF THIS PROPOSED SUIT AND REPORT BACK ANY COMMENTS OR OBJECTIONS. GOC SHOULD BE REQUESTED NOT RPT NOT TO NOTIFY

DIRECTLY THE EFFECTED COMPANIES. PARTIES WILL BE NOTIFIED THROUGH LEGAL PROCESS OR OTHERWISE OF IMPENDING JUSTICE DEPARTMENT ACTION. AN INFORMAL TELEPHONE NOTIFICATION TO CANADIAN ANTITRUST AUTHORITIES HAS ALREADY BEEN MADE. KISSINGER

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Disposition Authority: morefirh
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